

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Vaibhav Singh Tokas v. U.S. Citizenship and Immigration Services, et
al.

No. 4:25-cv-01754-SEP · No. 4:25-cv-01754-SEP · Decided December 6, 2025

SUMMARY

The court dismisses Vaibhav Singh Tokas’s action seeking to compel USCIS to adjudicate his VAWA self-petition and adjustment-of-status application. Applying 8 U.S.C. § 1252(a)(2)(B)(ii) and *Thigulla v. Jaddou*, the court concludes that the alleged delays involved discretionary agency actions beyond the court’s subject-matter jurisdiction. The action is dismissed with prejudice, and pending motions are denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Sara E. Pitlyk
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	December 6, 2025
DOCKET	4:25-cv-01754-SEP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se action seeking mandamus, declaratory, and injunctive relief compelling USCIS to adjudicate his VAWA self-petition and adjustment-of-status application. The court granted Plaintiff's application to proceed without prepaying fees but dismissed the action with prejudice for lack of subject-matter jurisdiction and denied all pending motions as moot.
STANDARD OF REVIEW	The court reviewed subject-matter jurisdiction sua sponte, treating jurisdiction as a threshold issue that may be raised at any time.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive rather than precedential outside the case.

TOPICS

mandamus immigration

immigration

subject matter jurisdiction

judicial review of agency action

statutory interpretation

PRACTICE AREAS

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mandamus

QUESTIONS PRESENTED

1. Whether the alleged delay in adjudicating Plaintiff's VAWA self-petition and adjustment-of-status request constituted a decision or action under 8 U.S.C. § 1252(a)(2)(B)(ii).
2. Whether the challenged USCIS actions involved discretion specified by statute under Subchapter II of Chapter 12 of Title 8, thereby depriving the district court of subject-matter jurisdiction.
3. Whether Plaintiff's mandamus, declaratory, and injunctive action should be dismissed for lack of subject-matter jurisdiction.

HOLDINGS

1. A delay in adjudicating an immigration application qualifies as a decision or action for purposes of 8 U.S.C. § 1252(a)(2)(B)(ii).
2. The adjudication process and timing for both Plaintiff's adjustment-of-status request and VAWA petition involved discretion specified by statute under Subchapter II of Chapter 12 of Title 8.
3. The district court lacked subject-matter jurisdiction because Plaintiff challenged discretionary agency actions within the jurisdictional bar of 8 U.S.C. § 1252(a)(2)(B)(ii).

KEY QUOTATIONS

“Federal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto.” (Opinion at 1)

“§ 1252(a)(2)(B)(ii) bars this court’s jurisdiction to review the decision to delay adjudicating [a] status adjustment application.” (94 F.4th at 775)

“Because Plaintiff brings a challenge to discretionary agency actions that are removed from the Court’s jurisdiction by 8 U.S.C. § 1252(a)(2)(B), this case must be dismissed.” (Opinion at 4)

FACTUAL BACKGROUND

Plaintiff filed a VAWA self-petition with USCIS on November 20, 2024, alleging domestic abuse, discrimination, and homelessness. USCIS issued a prima facie determination confirming his basic eligibility but had not adjudicated the petition. Plaintiff sought mandamus relief compelling adjudication of both a Form I-360 VAWA self-petition and a Form I-484 adjustment-of-status request, citing physical and mental health struggles and homelessness.

PROCEDURAL HISTORY

Plaintiff previously filed a related mandamus action seeking expedited humanitarian review of his immigration petition, which the court dismissed after denying expedited relief because he had not satisfied the requirements for mandamus relief. In this second action, Plaintiff sought an order requiring USCIS to adjudicate his applications within a reasonable time. The district court concluded that 8 U.S.C. § 1252(a)(2)(B) deprived it of jurisdiction over the challenge to USCIS's discretionary delay and dismissed the case with prejudice.

DISPOSITION

dismissed

CASES CITED

- Tokas v. USCIS, No. 4:25-cv-1740-SEP (E.D. Mo. filed Nov. 25, 2025)
- Bender v. Williamsport Area School District, 475 U.S. 534, 541 (1986)
- LeMay v. U.S. Postal Service, 450 F.3d 797, 799 (8th Cir. 2006)
- Kronholm v. Federal Deposit Insurance Corporation, 915 F.2d 1171, 1174 (8th Cir. 1990)
- Wilkins v. United States, 598 U.S. 152, 157 (2023)
- Thigulla v. Jaddou, 94 F.4th 770, 774-75 (8th Cir. 2024)
- Soni v. Jaddou, 103 F.4th 1271, 1273 (7th Cir. 2024)
- Haydary v. Garland, 2024 WL 4880406, at *5 (E.D. Mo. Nov. 25, 2024)
- Chalamalesetty v. Jaddou (D. Neb. Sept. 29, 2023), aff'd (8th Cir. Apr. 30, 2024), cert. denied, 145 S. Ct. 546 (2024)
- Joshi v. Garland, 728 F. Supp. 3d 1028 (D. Neb. 2024)
- Solorio v. Miller, 700 F. Supp. 3d 735, 748 (D. Neb. 2023)
- Gonzalez v. Cuccinelli, 985 F.3d 357, 366 (4th Cir. 2021)

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